

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)

FEE TRANSMITTAL

Complete if Known	
Application Number	10/521,006
Filing Date	January 7, 2005
First Named Inventor	Balkrishen Bhat
Examiner Name	
Art Unit	
Attorney Docket Number	21135P

TOTAL AMOUNT OF PAYMENT

\$130

METHOD OF PAYMENT (check all that apply)

Deposit Account Deposit Account Number 13-2755 Deposit Account Name **Merck & Co., Inc.**

For the above-identified deposit account, the Director is hereby authorized to (check all that apply):

Charge fee(s) indicated below

Credit any overpayments

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES	SEARCH FEES	EXAMINATION FEES	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	500	200	\$0

Design

200

100

130

2. EXCESS CLAIM FEES

<u>Fee Description</u>	<u>Fee (\$)</u>
Each claim over 20	50
Each independent claim over 3	200
Multiple dependent claims	360

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
				<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-20 =	0	\$50	\$0	\$360	
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
-3 =	0	\$200	\$0		

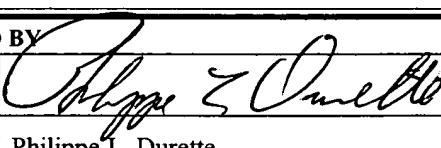
3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding sequence listing or computer program listing filed in an electronic medium), the application size fee due is \$250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	0	/50 = 0 (round up to a whole number)	0 X \$250	\$0

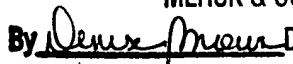
<u>4. OTHER FEE(S)</u>	<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee	
Other: Late Oath or Declaration Surcharge	\$130

SUBMITTED BY

Signature		Reg. Number	35,125	Telephone 732-594-4568
Name (Print/Type)	Philippe L. Durette			

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By  Date 9-23-2005

Rec'd PCT/PTO 26 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Balkrishen Bhat, et al.	
Serial No.:	10/521,006	Case 21135P
Filed:	January 7, 2005	Examiner:
For:	NUCLEOSIDE DERIVATIVES AS INHIBITORS OF RNA-DEPENDENT RNA VIRAL POLYMERASE	

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed July 25, 2005, which is attached hereto, enclosed is a Declaration and Power of Attorney executed by the inventors.

The Notice also references that a Sequence Listing is due. This appears to have been an error.

The instant application, USSN 10/521,006 is a U.S. national phase application of PCT/US03/21589, filed July 11, 2003, which in turn claims priority to U.S. provisional application SN 60/396,252, filed July 16, 2002. The instant application, its specification and claims neither contain nor recite nucleotide or amino acid sequence disclosures.

Since the instant application does not recite or contain nucleotide or amino acid sequence disclosures, Applicants hereby request that the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure be withdrawn, and that the requirement that a computer readable form copy of the sequence listing along with an identical written sequence listing be waived.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.
By Quinn Bauer Date 9-23-2005

Serial No.: 10/521,006
Case No.: 221139P
Page No.: 2

For convenience, a copy of the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosure is enclosed for easy reference.

Enclosed is a transmittal form authorizing payment of the \$130.00. If there are any deficiencies, please also charge these to Merck Deposit Account number 13-2755.

Respectfully submitted,

By



Philippe L. Durette, Reg. No. 35,125
Attorney for Applicants

Enclosure

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
Tel: (732)594-4568

September 23, 2005

21135P



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,006	Balkrishen Bhat	21135P
Sieg listing + NMP Oath/De due by 9/25/05		INTERNATIONAL APPLICATION NO.
PATENT DEPARTMENT AUG 03 2005 PHIL DURETTE		PCT/US03/21589
I.A. FILING DATE		PRIORITY DATE
07/11/2003		07/16/2002
CONFIRMATION NO. 4866		
371 FORMALITIES LETTER		
 OC000000016598693		

Date Mailed: 07/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/07/2005
- Copy of the International Search Report filed on 01/07/2005
- Preliminary Amendments filed on 01/07/2005
- Information Disclosure Statements filed on 03/31/2005
- Oath or Declaration filed on 01/07/2005
- U.S. Basic National Fees filed on 01/07/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

JUL 28 2005

- **\$130** Late oath or declaration Surcharge.

- This application clearly fails to comply with the requirements of 37 CFR 1.824-1.826. Applicant's attention

Folder Pulled

End / 7-28-05

is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,006	PCT/US03/21589	21135P

FORM PCT/DO/EO/905 (371 Formalities Notice)